

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**WILMINGTON TRUST, NA, Successor  
Trustee to Citibank, N.A., Trustee, in Trust  
for Registered Hodlers of Bear Stearns  
Asset Backed Securities 2007-SD2, Asset-  
Backed Certificates, Series 2007-SD2,  
Plaintiff,**

**CIVIL ACTION**

**NO. 17-2322**

**v.**

**ANGELO ADSON, and  
STACEY L. JULYE,  
Defendants/Third Party Plaintiffs,**

**v.**

**DR. BEN CARSON, Secretary of United  
States Department of Housing and Urban  
Development,  
Third Party Defendant.**

**ORDER**

**AND NOW**, this 15th day of June, 2018, upon consideration of Third Party Defendant's Motion to Dismiss the Third Party Complaint (Document No. 8, filed July 31, 2017) and Defendants'/Third-Party Plaintiffs' (Angelo Adson and Stacey L. Julye) Response in Opposition to Third-Party Defendant's (Department of Housing and Urban Development or HUD) Motion to Dismiss pursuant to Fed. R. Civ. P. [12(b)(1) and] 12(b)(6) (Document Nos. 12 and 13, filed August 25, 2017), for the reasons stated in the accompanying Memorandum dated June 15, 2018, **IT IS ORDERED** that Third Party Defendant's Motion to Dismiss the Third Party Complaint is **GRANTED** as follows:

1. That part of Third Party Defendant's Motion to Dismiss seeking to dismiss third party plaintiffs' fraud claim in Count 2 of the Third Party Complaint is **GRANTED WITH PREJUDICE**;

2. That part of Third Party Defendant's Motion to Dismiss seeking to dismiss third party plaintiffs' breach of contract claim in Count 1 and breach of the covenant of good faith and fair dealing claim in Count 3 of the Third Party Complaint is **GRANTED WITHOUT PREJUDICE** to third party plaintiffs' right to refile those claims in the United States Court of Federal Claims within the time provided under the applicable rules;

**IT IS FURTHER ORDERED** that this case is **REMANDED** to the Court of Common Pleas of Delaware County for lack of federal jurisdiction.

**IT IS FURTHER ORDERED** that the Clerk of Court shall **MARK** this case **CLOSED**.

**BY THE COURT:**

**/s/ Hon. Jan E. DuBois**

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**DuBOIS, JAN E., J.**